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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/909,643

07/20/2001

Andrew S. Kanter

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7590

04/28/2008

ERNEST D. BUFF

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EXAMINER

CARLSON, JEFFREY D

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

04/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/909,643	KANTER, ANDREW S.	
	Examiner	Art Unit	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the paper(s) filed 1/24/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-8, 10-15, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al (US6687737) in view of Angles et al (US5933811) and likewise unpatentable over Angles et al in view of Landsman et al.

Regarding claim 1, 8, 12, 15, Landsman et al teaches interstitial ads displayed to a user's browser from an Internet server. The ads are described as being displayed in browser popup windows which are shown to the user for a specified period of time (i.e. the duration of the ads) and the popup window is then removed upon completion. Landsman et al teaches that the AdDescriptor may specify that the user is NOT permitted to prematurely terminate (close) the ad displayed [32:5-46, fig 20]. The AdDescriptor file also specifies the duration of the ads [32:15-20, 37-40]. This is taken to provide a non-dismissible ad window that is temporarily shown for a pre-determined amount of time. Landsman et al also teaches that a log is kept regarding each ad

impression [31:53-58]. Landsman et al also teaches targeting ads based on stored user profiles [21:13-20] – this is taken to provide the registered user database and ad viewing history. When a user requests a subsequent webpage (via the user's ISP server(s)), the advertising display is triggered. Landsman et al does not teach compensation. Angles et al teaches advertisements that are included on the pages of web site content. The advertisement provider computer credits a (registered) consumer account as well as a (registered) Internet access provider account each time a consumer views an ad [abstract]. It would have been obvious to one of ordinary skill at the time of the invention to have registered and compensated the ad-viewing users as well as the Internet access providers of Landsman et al's system so that users and Internet access provider benefit from online advertising revenue. Likewise, it would have been obvious to one of ordinary skill at the time of the invention to have modified the customized and targeted compensation advertising system of Angles et al so that the advertising content was delivered interstitially as taught by Landsman et al so that the advertising was more polite and less intrusive.

Regarding claims 3, 6, 7, 11, 20, Landsman et al teaches that the AdDescriptor file can specify the size and location of the ad window [fig 20]. It would have been obvious to one of ordinary skill at the time of the invention to have displayed the window anywhere including the top of the user's screen as a design choice so that the ad is quite visible. Landsman et al teaches that ads are known to include hotlinks to the advertiser and advertiser web pages [3:40-46]. It would have been obvious to one of ordinary skill at the time of the invention to have provided URLs for the ad objects so

that a user may click on ads they are interested in. Official Notice is taken that it is well known for an advertiser to collect email/postal mailing addresses (demographic info) of interested prospective customer so that they can deliver more information about their products, services, sales promotions, etc. It would have been obvious to one of ordinary skill at the time of the invention to have provided fillable forms/windows on the advertiser's site in order to collect such information when user's request more information be sent to them. Further, it would have been obvious to one of ordinary skill at the time of the invention to have provided registration buttons and fillable forms/windows on the web site in order to collect registration information pursuant to Angles et al's compensation.

Regarding claims 4, 10, Landsman et al's plurality of ads to be shown and the ad queue are taken to provide a "series of ads" shown in an ad window.

Regarding claims 5, 14, the ad display is programmed to be delayed until the user transitions to a subsequent page. Further, Landsman et al teaches ads that sleep for a predetermined time period before they are shown again [32:25-33].

Regarding claim 13, when a user leaves a previous web site and triggers the ads, this action is taken as closing a computer program, the program being the HTML-programmed web site content.

3. Claims 2, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Landsman et al (US6687737) in view of Angles et al or Angles et al in view of as above and further in view of Radziewicz et al (US5854897).

Regarding claims 2, 16, 17, Radziewicz et al also teaches interstitial ads. Radziewicz et al teaches that the user's connection speed to the Internet can be measured and the speed results can be used to select a particular format for the ads [11:7-28]. It would have been obvious to one of ordinary skill at the time of the invention to have specified various ad formats in the AdDescriptor file so that the user can receive rich multimedia ads if their PC/connection could handle such files.

Regarding claims 18, 19, Official Notice is taken that using a wireless connection in order to access the Internet is well known. It would have been obvious to one of ordinary skill at the time of the invention for wireless users to have participated in the combined system so that they can enjoy the Internet wirelessly.

Response to Arguments

Applicant argues that the instant invention benefits the advertiser because the compensation is on the basis of actual advertising viewing, not estimated user statistics. The rejection set forth is one where compensation is offered "on the basis of advertisements viewed".

Applicant argues that combination of Landsman et al and Angles et al lacks a teaching to compensate "both the user and the Internet access provider on the basis of the advertisements viewed" and that said art does not disclose a system wherein "the advertiser compensates both the user and the Internet access provider" and that "there is no disclosure or suggestion of compensating both the user and the content provider [sic - taken to have meant Internet access provider]". Yet applicant states in the same

paper that "The advertisement provider computer [of Angles et al] also credits a consumer account, a content provider account and an internet provider account each time a consumer views a custom advertisement." This is a direct quote from the abstract of Angles et al which was cited in the rejection and which was given as an example of the state of the prior art in applicant's originally filed specification. Examiner is at a loss to fathom how Angles et al fails to disclose or suggest compensating both the user and his Internet access provider at the same time for each ad viewed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/
Primary Examiner, Art Unit 3622

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